

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TERRANCE WASHINGTON,)	
)	
Plaintiff,)	Civil Action No. 07-215
)	
v.)	Judge McVerry
)	Magistrate Judge Caiazza
LT. A. ABEREGG, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This prisoner civil rights suit was commenced on February 20, 2007, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on August 1, 2007, recommended that the Defendants' Motion to Dismiss or in the Alternative. A copy of the Report and Recommendation was sent to the Plaintiff by First Class United States Mail to SCI Fayette. The parties were allowed ten days from the date of service to file objections. Objections were due on August 17, 2007, and the Court granted the Plaintiff's Motion for Extension of Time, after which objections were due on August 22, 2007. The Plaintiff filed objections on August 16, 2007.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 12th day of September, 2007,

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss or for Summary Judgment (Doc. 13) is GRANTED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 18), dated August 1, 2007, is adopted as the opinion of the court.

BY THE COURT:

s/Terrence F. McVerry
U.S. District Court Judge

cc:
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